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RUEHWL/AMEMBASSY WELLINGTON 1967
RUEHBY/AMEMBASSY CANBERRA 1487
RUEHKO/AMEMBASSY TOKYO 1056
RUEHNE/AMEMBASSY NEW DELHI 1429
RHHJJPI/USPACOM HONOLULU HI
RUEAIIA/CIA WASHDC
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 003069

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SUBJECT: INDONESIA'S CONSTITUTIONAL COURT -- FOCUS ON
REFORM, CIVIL LIBERTIES

REF: A. JAKARTA 3039

[1](#)B. JAKARTA 1953

Classified By: Pol/C Joseph Legend Novak, reasons 1.4 (b,d).

[1](#)1. (C) SUMMARY: Constitutional Court Chief Justice Jimly Asshiddiqie--in a meeting with DCM--styled himself a reformer, including in the area of civil liberties. He added, however, that--in his opinion--reform of Indonesia's court system would require at least another decade. Asshiddiqie expressed appreciation for USG assistance and appealed for more bilateral exchange programs. Asshiddiqie is well-spoken and well-connected, and is said to be a possible candidate for vice president in the 2009 election. END SUMMARY.

ACCENT ON REFORM

[1](#)2. (C) Asshiddiqie detailed his efforts to set an example for Indonesia's justice sector. He told the DCM, in their November 1 meeting that--while he did not view any single one of his decisions as landmark in nature--he hoped his tenure on the Court would nonetheless provide a turning point in Indonesia's judicial history. He noted that he considered himself a reformer and a supporter of civil liberties, commenting briefly on cases where the Court recently struck down "defamation" against government leaders as a crime and struck down other Dutch colonial era laws that limited speech against the government (ref b).

[1](#)3. (C) Noting that he was "always making controversy," Asshiddiqie appeared to relish the public debate generated by the Court's decisions and his own visibility. He found irony in the fact that, although he viewed himself as a progressive and civil libertarian, his recent decision in support of the death penalty in cases involving narcotics (see ref a) had cast him as a conservative. That said, the death penalty met constitutional requirements and was very popular in contemporary Indonesia. Asshiddiqie asserted that in any case, should the Court want to address capital punishment in principle, a narcotics case was the wrong place to do so, given the overwhelming support in the country for capital punishment for drug traffickers.

[1](#)4. (C) Asshiddiqie expressed the hope that the Constitutional Court would exert a reformist influence on the judicial

system as a whole. Nevertheless, he acknowledged, reform of Indonesia's judiciary would take at least another decade. As part of its reform efforts, he said, the Constitutional Court was conducting outreach to local judges and attorneys by inviting them to visit the Court. He hoped local judges would come to view the Constitutional Court as a "career peak" that they should strive for. Asshiddiqie acknowledged that his court's decisions in the last year against the Judicial Review Commission (a body meant to monitor judicial ethics) were controversial, but declined to characterize them as anti-reform.

TESTY TIES WITH SUPREME COURT

15. (C) Relations between the Supreme Court and the Constitutional Court were at times tense, Asshiddiqie affirmed. (Note: The Constitutional Court, as its name states, handles constitution-related cases and several other matters enumerated in the Indonesian Constitution. The Supreme Court deals with all other appellate cases.) Several recent press articles had suggested that the Supreme Court could learn from the Constitutional Court and the effective way it ran its affairs, he explained; this had caused some tension. Despite some personal jealousies, however, the overall relationship between the two courts was cooperative. Asshiddiqie said he enjoyed a close working relationship with Supreme Court Chief Justice Bagir Manan. The two, he related, had worked together in an effective manner on a Constitutional review panel formed by then president Habibie.

16. (C) Asshiddiqie was emphatic, however, that comprehensive reform of the Supreme Court was urgently needed. The Supreme

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Court currently had 60 justices tackling upwards of 20,000 cases per year. Instead, it should have nine members, like the Constitutional Court, and strictly limit the number of appellate cases it was willing to hear. At present, Asshiddiqie said, there was no proper constitutional, statutory or regulatory definition of what could and could not be appealed to the Supreme Court.

MORE ASSISTANCE, PLEASE

17. (U) In addition to the court management-related programs the USG is currently implementing, the DCM asked how the U.S. could further assist the Constitutional Court. In response, Asshiddiqie highlighted the importance of professional and educational exchanges. He said the U.S.-Indonesia bilateral relationship was substantially strengthened by the fact that so many Indonesian decision-makers had some direct experience with the U.S. and its education system. More of these exchanges and programs would make a great deal of difference in the judicial area.

A POSSIBLE VP CANDIDATE?

18. (C) Asshiddiqie, 51, is well-spoken and well-connected, and is said to be a possible candidate for vice president on some presidential candidate's ticket in the 2009 election. He is very friendly toward the USG -- he conducted research at the University of Washington in 1989 and did post-graduate coursework at Harvard Law School in 1994.

HUME